

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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BENJAMIN ALDERSON,	:	
	:	
<u>Plaintiff,</u>	:	
	:	No. 18 Civ. 5081 (JFK)
-against-	:	
	:	<b>ORDER</b>
DEVERE USA, INC.,	:	
	:	
<u>Defendant.</u>	:	
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**JOHN F. KEENAN, United States District Judge:**

Before the Court is a motion by Harris St. Laurent LLP ("Plaintiff's counsel") for an order compelling Defendant deVere USA ("Defendant"), now doing business as Brite Advisors USA, to pay \$100,000 in attorneys' fees and costs incurred by Plaintiff Benjamin Alderson in an ongoing litigation with the U.S. Securities and Exchange Commission ("the SEC Action"). (ECF No. 70.) Plaintiff's counsel argues that Defendant—through its counsel, Lewis Brisbois Bisgaard & Smith LLP—agreed to make the \$100,000 payment by no later than March 31, 2020, during a January 7, 2020 conference before the Court. Defendant does not dispute that it agreed to make the payment by the end of March 2020, but rather, that it is unable to make the payment at this time because of the current global crisis caused by the Coronavirus, COVID-19 ("COVID-19").

The Court is sympathetic to the economic harm COVID-19 has caused, and is causing, small businesses across the United

States and around the world. However, under the terms of the January 2, 2019 arbitration award—which, upon the consent of both parties, the Court confirmed on February 7, 2019, (ECF No. 47), and under which the parties have been operating ever since—Defendant is obligated to pay the \$100,000 to Plaintiff's counsel. Further, at the January 7, 2020 conference, Defendant did not dispute that the \$100,000 was owed, and it agreed that the parties had "worked out" a payment schedule, which included the \$100,000 and which Defendant agreed to pay by the end of March 2020. (See Conf. Tr. 2:18-3:25, 5:7-9, 6:12-15.) At the conference, the Court made clear to both sides that payment must be made. (See id. 7:20-8:1.)

Accordingly, by no later than May 1, 2020, Defendant must pay to Plaintiff's counsel the \$100,000 of legal fees to which it agreed were currently due and would be paid. If the \$100,000 payment is not made by that date, Plaintiff's counsel may move for contempt of this Order.

It is FURTHER ORDERED that by no later than May 8, 2020, the parties shall file a joint letter with (1) a status update regarding the negotiations between the parties to fully resolve the SEC Action and this action; and (2) an agreed upon payment plan—signed by both law firms and both of their clients—for all outstanding fees. If the parties are unable to reach agreement

on a payment plan, each side is to submit a letter to the Court setting forth its position.

**SO ORDERED.**

Dated: New York, New York  
April 22, 2020

  
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John F. Keenan  
United States District Judge